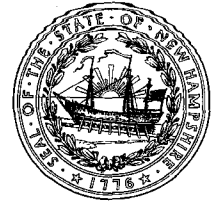




The State of New Hampshire  
*Department of Environmental Services*



Michael P. Nolin  
Commissioner

**LETTER OF DEFICIENCY  
SP 06-018**

September 07, 2006

Richard Secord  
Forest Lake Camping Ground  
331 Keene Rd  
Winchester, NH 03470

RE: DES Wetlands File #2006-02216, 129 Upper Headlands Rd, Winchester

Dear Mr. Secord,

On August 29, 2006, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above referenced property, more specifically referenced on Town of Winchester Tax Map 33 as Lot 2-1 (the "Property"). The purpose of the inspection was to determine compliance with the Comprehensive Shoreland Protection Act ("CSPA"), RSA 483-B and NH Code of Admin. Rules Env-Wq 1400-1411 and RSA 482-A and NH Code of Admin. Rules Env-Wt 100-800.

During the inspection the following deficiencies were documented:

1. An area within 150 feet of the shoreline measuring approximately 26,000 square feet was cleared of trees, saplings, shrubs and ground cover which fails to maintain a well distributed stand of vegetation; and
2. An area measuring approximately 55,000 square feet, to include the area in item #1 above, was stumped within the protected shoreline without an alteration of terrain permit; and
3. A section of shoreline and bank on Forest Lake, measuring approximately 14 feet long by 14 feet wide was excavated and cleared to the waterline without a Wetlands permit; and
4. There were no erosion or sediment controls installed on the property.

In response, you are requested to take the following actions:

1. Within 10 days of receipt of this Letter of Deficiency, install appropriate erosion and sediment controls on the Property and provide photos documenting the installation
2. Within 30 days of receipt of this Letter of Deficiency, submit a restoration plan to DES for review and approval. Have the restoration plan prepared by a qualified environmental consultant or a certified NH Wetlands Scientist and include provisions for establishing a well distributed stand of trees, saplings shrubs and ground cover on the Property within 150 feet of the shoreline and restoration of the disturbed bank and shoreline on the Property. Submit the following with the restoration plan:
  - a. A plan with dimensions, drawn to scale, showing:

- (1) Existing conditions, with wetland boundaries and shoreland setbacks; and
- (2) Proposed conditions after reestablishing the jurisdictional areas;
- (3) The species of plants proposed for replanting;
- (4) The number and distribution of plants proposed for replanting;
- (5) The basal area of the trees proposed for replanting;
- (6) The existing trees remaining within the natural woodland buffer, if any; and
- (7) The existing and proposed structures, including but not limited to the primary structure, accessory structures, and water-dependent structures.

b. A detailed description of the proposed means of erosion control (silt fence, hay bales, etc) and stabilization of the restoration area;

c. A detailed description of the proposed planting plan for the stabilization and revegetation of the restoration area and control of invasive species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*);

d. A description of the proposed construction sequence and methods for accomplishing restoration and anticipated restoration compliance date.

e. A description of the method of documenting at least 75% survival of all vegetation planted during the restoration project. This should include at a minimum monitoring progress reports for two successive growing seasons following completion of the restoration project.

2. Retain a qualified environmental consultant, or a certified NH Wetlands Scientist to supervise the implementation of the restoration plan and to submit the restoration progress reports.

3. Implement the restoration plan only after receiving written approval and as conditioned by DES.

RSA 483-B, the New Hampshire Comprehensive Shoreland Protection Act, was enacted to protect and preserve the shorelands of the State to maintain the integrity and exceptional quality of the State's public waters. RSA 483-B and Env-Ws 1400-1409 establish minimum standards for the future subdivision, use, and development of the shorelands within 250 feet of the state's public waters.

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit. If work is done without a permit, this is considered a violation of RSA 482-A. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

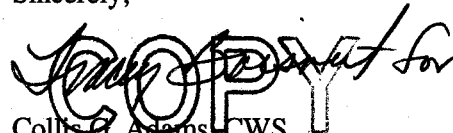
Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 483-B and RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Jeffrey D. Blecharczyk, Shoreland Compliance Coordinator  
Wetlands Bureau  
Department of Environmental Services  
29 Hazen Drive  
PO Box 95  
Concord, NH 03302-0095

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact Jeffrey D. Blecharczyk at (603) 271-6876.

Sincerely,

  
Collis G. Adams, CWS  
Administrator  
Wetlands Bureau

CERTIFIED MAIL 7006 0100 0005 8153 6013

cc: Rene Pelletier, Asst. Director, Water Division  
Gretchen R. Hamel, Administrator, DES Legal Unit  
Winchester Conservation Commission  
Winchester Board of Selectmen  
USACOE